

CUSTOMER NO.: 24498
Serial No.: 10/510,057
Final Office dated: 03/21/08
Response dated: 05/09/08

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PATENT
PU020097

MAY 12 2008

Remarks/Arguments

Claims 1-21 are pending in this application. Claims 1-21 are rejected and claim 10 is objected to in the final Office Action dated March 21, 2008. No claim amendments are presented herein. However, a listing of the pending claims in this application is included with this response for the Examiner's convenience.

Re: Objection to Claim 10

Claim 10 is objected to because of a cited informality. In particular, claim 10 was previously indicated as being "currently amended" in Applicants' last response, although no amendments were made to the claim. To rectify this matter, claim 10 is now indicated as being "original." In view of this correction, withdrawal of the objection is respectfully requested.

Re: Rejection of Claim 1 under 35 U.S.C. §112, Second Paragraph

Claim 1 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In particular, the Examiner alleges that there is insufficient antecedent basis for the term "the memory" in step "e" of claim 1. In response, Applicants note that the term "a memory" is initially introduced in step "c" of claim 1, thus providing proper antecedent basis for the term. In view of this clarification, withdrawal of the rejection is respectfully requested.

Re: Rejection of Claims 1-21 under 35 U.S.C. §103(a)

Claims 1-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,149,982 issued to Duperrouzel et al. (hereinafter, "Duperrouzel") in view of U.S. Patent No. 7,177,915 issued to Kopchik (hereinafter, "Kopchik"). Applicants respectfully traverse this rejection for at least the following reasons.

On pages 4, 5, 7 and 9 of the final Office Action dated March 21, 2008, the Examiner admits that Duperrouzel fails to disclose at least one element of the claimed invention, namely "that the settings are automatically saved" as required by independent claims 1, 5, 11 and 16. In an attempt to remedy this deficiency of Duperrouzel, the Examiner relies on Kopchik.

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In response, Applicants note that Kopchik does not constitute prior art against the instant application under any subsection of 35 U.S.C. §102, and thereby can not be properly used to reject claims 1-21. In particular, Kopchik's earliest effective filing date is its U.S. filing date of December 31, 2002. The instant application, however, claims the benefit, under 35 U.S.C. §365 of International Application PCT/US03/10057, filed April 2, 2003, which was published in accordance with PCT Article 21(2) on October 23, 2003 in English (WO 03/088083) and which claims the benefit of U.S. Provisional Patent Application No. 60/370,522, filed April 5, 2002. Accordingly, Kopchik does not constitute prior art against the instant application, and the admitted deficiencies of Duperrouzel can not be remedied by Kopchik. In view of this clarification, Applicants submit that claims 1-21 are patentable, and withdrawal of the rejection is respectfully requested.

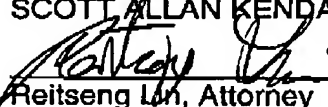
Conclusion

In view of the foregoing remarks/arguments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account No. 07-0832.

Respectfully submitted,

SCOTT ALLAN KENDALL ET AL.

By:


Reitseng Lin, Attorney
Reg. No. 42,804
Phone: (609) 734-6813

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Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

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